

AMENDMENT TO H.R.
OFFERED BY MR. RUSH AND MR. SHIMKUS
(Amendment to Beneficiary Improvement and Protection Act
of 2000)

Insert at the appropriate place the following:

1 **SEC. ____.** **REVENUE NEUTRAL MEDICARE UPPER LIMITS**
2 **MORATORIUM.**

3 Notwithstanding any other provision of the law, the
4 Committee on Commerce of the House of Representatives
5 directs that should the Secretary of Health and Human
6 Services issue proposed or final regulations that change
7 part 447 of title 42 of the Code of Federal Regulations,
8 as in effect on October 2, 2000, that the upper payment
9 limits, as applied to each class of facilities in a State, shall
10 be the higher of—

11 (1) the upper payment limits specified by the
12 Secretary in regulation; or

13 (2) the aggregate payments made by the State
14 to that class of facilities under the methodologies
15 specified in the State plan as approved, on or as
16 proposed by amendment by the State Medicaid agen-
17 cy by October 2, 2000, adjusted annually by the per-
18 centage increase in the Consumer Price Index for
19 medical care.

1 The Secretary shall work with the States to ensure that
2 federal Medicaid funds are spent on Medicaid-eligible serv-
3 ices for individuals who are eligible for Medicaid or are
4 otherwise medically indigent and report back to Congress
5 by March 30, 2002.